

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

HEADWATER RESEARCH LLC,
Patent Owner.

IPR2026-00137 (Patent 9,647,918 B2)
IPR2026-00138 (Patent 9,609,544 B2)
IPR2026-00203 (Patent 9,232,403 B2)¹

Before HYUN J. JUNG, KARA L. SZPONDOWSKI, SHARON FENICK,
and STEPHEN E. BELISLE, *Administrative Patent Judges*.²

BELISLE, *Administrative Patent Judge*.

ORDER

Granting Patent Owner's Motion for Entry of Protective Order
Vacating Board's Default Protective Order
Entering Modified Protective Order
37 C.F.R. §§ 42.5, 42.14, 42.54

¹ We exercise our discretion to issue one Order to be entered in each proceeding. The parties are not authorized to use a multiple-case caption.

² This is not an order by an expanded panel. The Administrative Patent Judges listed are paneled in various groups of three in the above-identified proceedings.

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I. INTRODUCTION

Patent Owner filed a renewed motion for entry of a protective order in each of the above-captioned cases. Paper 18 (“Motion”).³ Patent Owner submits a Modified Agreed Protective Order (Ex. 2020, “Modified Protective Order”), along with a redlined comparison of that order to the Board’s default protective order (Ex. 2021). Patent Owner represents that Petitioner agrees with the entry of the proposed Modified Protective Order. Paper 18, 2. The proposed Modified Protective Order governs the treatment of a single document in these cases, namely Exhibit 2001 (confidential license agreement). We previously granted Patent Owner’s motion to seal Exhibit 2001 on the condition that the parties submit such a proposed Modified Protective Order. Paper 16.

II. PROPOSED MODIFIED PROTECTIVE ORDER

The Board may, for good cause, issue a protective order “to protect a party or person from disclosing confidential information.” 37 C.F.R. § 42.54(a). A protective order is not entered by default but must be proposed by one or more parties and must be approved and entered by the Board. *See* Trial Practice Guide (“TPG”)⁴ at I.E.4. The Trial Practice Guide sets forth specific guidelines on proposing a protective order and provides a Default Protective Order. *See* TPG at I.E.4, App. B; TPG (Nov. 2019, Oct.

³ We cite to documents in IPR2026-00137. Similar documents were filed in IPR2026-00138 and IPR2026-00203.

⁴ Available at www.uspto.gov/patents/ptab/trial-practice-guide.

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2025) at 70–72 (Default Protective Order)⁵. The parties may propose modifications to the Default Protective Order and the Board will generally accept such proposed changes if they are consistent with the integrity and efficient administration of the proceedings. *See* TPG at App. B(j). For example, the parties may agree to provide additional tiers or categories of confidential information, such as “Attorneys’ Eyes Only,” and the Board will presumptively accept agreed-to changes that provide additional categories of confidentiality as long as they are reasonable and adequately define what types of materials are to be included in the additional categories. *Id.*

In this case, the proposed Modified Protective Order, according to Patent Owner, is “a narrow version of the Board’s Default Protective Order, limited such that it only protects Exhibit 2001 with the confidentiality restrictions the Board already approved.” Paper 18, 2. We agree, and thus *grant* Patent Owner’s Motion, *vacate* the Board’s Default Protective Order previously entered in these cases, and *enter* the Modified Protective Order (Ex. 2020).

We highlight that this Modified Protective Order applies only to Exhibit 2001, and to the extent that any party files a motion to seal any other document in these cases, the party must file therewith an appropriate proposed protective order.

⁵ *See* TPG “Archive” for link.

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III. ORDER

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner's Motion for entry of a protective order (IPR2026-00137 and IPR2026-00138, Paper 18; IPR2026-00203, Paper 16) is *granted*;

FURTHER ORDERED that the Board's Default Protective Order previously entered in IPR2026-00137, IPR2026-00138, and IPR2026-00203 is *vacated*; and

FURTHER ORDERED that the Modified Protective Order (IPR2026-00137, Ex. 2020; IPR2026-00138, Ex. 2019; IPR2026-00203, Ex. 2010) shall be *entered* into the record.

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For PETITIONER (IPR2026-00137; IPR2026-00138):

Erika H. Arner
Joshua L. Goldberg
Daniel C. Tucker
Benjamin A. Saidman
Daniel F. Klodowski
Elliot Cook
Michael V. Young
Alexander M. Boyer
Pier D. DeRoo
Christopher C. Johns
Kassandra M. Officer
Bradford C. Schulz
William C. Neer
Christopher B. Anderson
Kai Rajan
Umber Aggarwal
Abhay A. Watwe
Kathleen C. Galleher
Connor M. McGregor
Heather J. Ren
FINNEGAN, HENDERSON, FARABOW,
GARRETT, & DUNNER LLP
erika.arner@finnegan.com
joshua.goldberg@finnegan.com
daniel.tucker@finnegan.com
benjamin.saidman@finnegan.com
daniel.klodowski@finnegan.com
elliott.cook@finnegan.com
michael.young@finnegan.com
alexander.boyer@finnegan.com
pier.deroo@finnegan.com
christopher.johns@finnegan.com
kassandra.officer@finnegan.com
bradford.schulz@finnegan.com

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william.neer@finnegan.com
christopher.anderson@finnegan.com
kai.rajan@finnegan.com
umber.aggarwal@finnegan.com
abhay.watwe@finnegan.com
kathleen.galleher@finnegan.com
connor.mcgregor@finnegan.com
heather.ren@finnegan.com
HeadwaterIPRTeam@finnegan.com

For PETITIONER (IPR2026-00203):

Anant K. Saraswat
George T. Scott
WOLF, GREENFIELD & SACKS, P.C.
asaraswat-ptab@wolfgreenfield.com
gscott-ptab@wolfgreenfield.com

For PATENT OWNER:

Reza Mirzaie
Dale Chang
James A. Milkey
Neil Rubin
Philip X. Wang
RUSS, AUGUST & KABAT
rmirzaie@raklaw.com
dchang@raklaw.com
jmilkey@raklaw.com
nrubin@raklaw.com
pwang@raklaw.com
rak_headwater@raklaw.com